IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGMENT NO. 544 OF 2004

IN

SUM.SUIT NO. 679 OF 2004

Central Bank of India .. Plaintiffs

vs.

Darabsha N. Daruwala & Ors. .. Defendants.

Mrs. M.R. Patel for plaintiffs.

Mr. B.H. Prasad Sarma for defendant nos. 1 to 3.

CORAM : S.U.KAMDAR, J.

DATE : 26th SEPTEMBER, 2005.

P.C.

. The learned counsel appearing for the parties tendered consent minutes of the order dated 26.9.2005 duly signed by the plaintiff and defendant nos. 1 to 3 and their Advocates. The same is taken on record and marked "X" for identification. In so fr as the defendants nos. 4 and 5 are concerned, the plaintiffs have filed an affidavit dated 21.9.2005 saying that the defendant nos. 4 and 4 refused to accept the service. In view of the

consent minutes of the order, there shall be an order in terms of consent minutes of the order dated 26.9.2005. Suit is disposed of as against defendant nos. 1 to 3. In so far as defendant nos. 4 and 5 are concerned, they are sued in the capacity of guarantors in respect of the suit claim for the sum of Rs. 7,95,839/-. The said guarantee is at Exhibit F. In that view of the matter, the suit is decreed as against defendant nos. 4 and 5. The summons for judgment is made absolute accordingly. Suit as well as the summons for judgment both stands disposed of accordingly.

2. Refund as per rules.